

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MING HUA INTERNATIONAL SHIPPING CO.,

Plaintiff,

- against -

AIHE SHIPPING CO. LTD. AND KINGDOM
CONSULTING (SERVICE) CO. LTD.,

Defendants.

07 Civ.8703 (PAC)

ECF CASE

TURN OVER ORDER IN RESPECT OF ATTACHED PROPERTY

Whereas the Plaintiff, Ming Hua International Shipping Co. ("Ming Hua"), and the Defendants, AIHE Shipping Co. Ltd. and Kingdom Consulting (Service) Co. Ltd. ("Defendants") have agreed to settle their dispute in the instant matter,

Whereas Ming Hua and Defendants have entered into a settlement agreement that provides Defendants shall pay to Ming Hua the sum of \$50,000.00; and

Whereas pursuant to Supplemental Admiralty Rule B of the Federal Rules of Civil Procedure, on or about October 10, 2007 Ming Hua obtained from the Court an Ex-Parte Order of Maritime Attachment together with Process of Maritime Attachment and Garnishment that authorized the attachment of Defendants' property with the Southern District of New York in an amount up to \$111,255.86; and

Where on American Express Bank, acting pursuant to the Ex-Parte Order of Maritime Attachment and Garnishment, restrained and attached Defendants' property in the approximate amount of \$100,000.00; and


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Solicitor, Hong Kong SAR
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Whereas Ming Hua and Defendants have agreed that Defendants should fund the settlement to Ming Hua from a portion of the \$100,000.00 that is currently under attachment at American Express Bank;

Whereas Ming Hua and Defendants have agreed that \$50,000.00 of Defendants' attached funds should be wired via electronic funds transfer by American Express Bank to the following bank account:

NAME OF ACCOUNT: LENNON, MURPHY & LENNON, LLC
ACCOUNT #: 74 3996811
ABA #: 021000021
BANK NAME: JP MORGAN CHASE
292 PEQUOT AVE.
SOUTHPORT, CT

and;

Whereas, Ming Hua and Defendants have agreed that promptly after Ming Hua has received confirmation from J.P. Morgan Chase that the \$50,000.00 settlement payment has been received into its designated account, Ming Hua's New York counsel, Lennon, Murphy & Lennon, LLC, shall then instruct garnishee American Express Bank, in writing to release the remainder of the attached funds, approximately \$50,000.00, less any bank fees, if any, to Kingdom Consulting;

Whereas, Ming Hua and Defendants have agreed that after the settlement in favor of Ming Hua has been fully funded by Defendants, Ming Hua's New York counsel, Lennon, Murphy & Lennon, LLC, shall file a notice of dismissal in the instant action;

IT IS HEREBY ORDERED that garnishee American Express Bank shall effect an electronic funds transfer in favor of Ming Hua in the amount of \$50,000.00 which amount shall


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be deducted from the Defendants' property that garnishee American Express Bank currently holds under attachment, and that garnishee American Express Bank shall pay this amount to the following account:

NAME OF ACCOUNT: LENNON, MURPHY & LENNON, LLC
ACCOUNT #: 74 3996811
ABA #: 021000021
BANK NAME: JP MORGAN CHASE
292 PEQUOT AVE.
SOUTHPORT, CT

and that any bank fees associated with the transferring of settlement funds to the Ming Hua's specified account shall not be deducted from the transferred funds; and

IT IS FURTHER HEREBY ORDERED that promptly after Ming Hua has received confirmation from American Express Bank that that the \$50,000.00 settlement payment has been received into the Ming Hua's designated account, Ming Hua's New York counsel, Lennon, Murphy & Lennon, LLC, shall then instruct garnishee, American Express Bank, in writing to release the remainder of the attached funds, approximately \$50,000.00, less any bank fees, if any, to Defendant Kingdom Consulting, and

IT IS FURTHER HEREBY ORDERED that the \$50,000.00 settlement payment from Defendants shall not be subject to any attachment in New York after those funds are released by garnishee American Express Bank; and

IT IS FURTHER HEREBY ORDERED that the subsequent electronic funds transfer to Defendants of the remainder of its attached funds not used to fund the settlement, in the

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approximate amount of \$50,000.00, less any bank fees if any, shall not be subject to any attachment in New York after those funds are released by American Express bank en route to Defendant Kingdom Consulting;

IF IS FURTHER ORDERED that once Ming Hua has received its settlement funds Ming Hua's New York counsel, Lennon, Murphy & Lennon, LLC, shall file a notice of dismissal in the instant action.

Dated: January 14 2008.
New York, NY

SO ORDERED:


U.S.D.J.



LEUNG WAI LAM
Solicitor, Hong Kong SAR
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EXHIBIT "1"

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MING HUA INTERNATIONAL SHIPPING CO.,

Plaintiff,

- against -

AIHE SHIPPING CO. LTD. AND KINGDOM
CONSULTING (SERVICE) CO. LTD.,

Defendants.

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X

07 Civ.8703 (PAC)

BCF CASE

TAM, KWONG-LIM, (Hong Kong Identification Card No A437146(4)) declares under penalty of perjury of the laws of the United States of America as follows:

My name is TAM, KWONG LIM and I am duly authorized by Defendants, AIHE Shipping Co. Ltd. and Kingdom Consulting (Service) Co. Ltd as per two Powers of Attorney dated 2 January 2008 and 3 January 2008 respectively ., to settle this matter and authorize the release of funds pursuant thereto.

I have reviewed the proposed consent Order providing for the settlement of this matter and release of funds, (attached hereto), to be submitted the Court and approve the terms contained therein.

On behalf of Defendants, I hereby instruct Plaintiff's Counsel, Lennon, Murphy & Lennon, LLC to deduct \$50,000.00 out of the total funds attached in this matter in the approximate amount of \$100,000.00 towards full and final settlement of this case. On behalf of Defendants, I further instruct Plaintiff's counsel to release any remaining funds, less any bank charges, back to Defendant Kingdom Consulting's account as specified in the wire remittance details of the payment attached.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed on 10th January 2008



TAM, KWONG-LIM

Before me,



LEUNG WAI LIM
Solicitor, Hong Kong SAR
DIBB LUPTON ALSOP

EXHIBIT "2"

LENNON, MURPHY & LENNON, LLC - Attorneys at Law

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January 11, 2008

By Facsimile (212) 805-6304

Hon. Paul A. Crotty
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 735
New York, New York 10007-1581

Re: **Ming Hua International Shipping Co. v. AIHE Shipping Co. Ltd. et. al.**
Docket Number: 07 Civ. 8703 (PAC)
LML Ref: 1243

Dear Judge Crotty:

We represent the Plaintiff, Ming Hua International Shipping Co., in the above captioned matter. We write: (1) to inform the Court that the parties have settled the underlying matter; and (2) to request that the Court issue an Order providing that the settlement amount agreed to between the parties be deducted from Defendants' funds restrained in New York as directed by Defendants' foreign counsel in its Declaration. *Please find a copy of Defendants' foreign counsel's declaration annexed hereto as Exhibit "1."*

Pursuant to an Ex-Parte Order of Maritime Attachment issued by this Court on October 12, 2007, Defendants' funds were restrained in the approximate amount of \$100,000.00 by American Express Bank on October 26, 2007.

In the Declaration attached, Defendants' foreign counsel confirms that a settlement has been reached between Plaintiff Ming Hua and Defendants, AIHE Shipping and Kingdom Consulting, and that a portion of the settlement (\$50,000.00) should be funded from Defendants' attached funds in New York. Defendant's counsel further provides that any remaining funds should be released to the account of Kingdom Consulting.


Once Plaintiff confirms receipt of the funds, it will voluntarily dismiss this action.

In light of the foregoing, we respectfully request that the Court endorse the Turn Over Order approved by the parties allowing Plaintiff to enforce against Defendants' funds held in New York pursuant to the Ex-Parte Order in the amount agreed upon by the parties. *Please find attached to this letter as Exhibit "2" the proposed Turn Over Order providing for the release of*

funds. This Order directs that the settlement amount of \$50,000.00 be taken from Defendants' funds restrained in New York and wired to our trust account pursuant to the parties' agreement. The remaining funds are to be returned to Kingdom Consulting.

We are available to discuss the matters raised herein at your Honor's convenience.

Respectfully Submitted,


Nancy R. Siegel